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PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DISPATCH

FCC 05-134
Released: June 29, 2005

COMMISSION INVITES COMMENTS CONCERNING USE OF PORTIONS OF RETURNED 2 GHz MOBILE SATELLITE SERVICE FREQUENCIES

IB DOCKET NO. 05-221

In a separate public notice released today, the Commission explained that three 2 GHz mobile satellite service (MSS)¹ satellite operators had recently surrendered their authorizations.² The Commission also stated that it intends to modify the spectrum reservations of the two remaining satellite operators authorized to provide MSS in the 2 GHz band, ICO Satellite Services (ICO), and TMI Communications and Company Limited Partnership (TMI), such that ICO and TMI each will have one-third of the forty megahertz of spectrum in the 2 GHz MSS bands. Finally, the Commission noted that several parties have already submitted letters to the Commission recommending various uses for the newly available spectrum, or addressing other issues related to those recommendations.³

In this public notice, we invite comment on three options for redistributing or reallocating the remaining one-third of the 2 GHz MSS spectrum that we did not address in our previous public notice. First, we ask commenters to address TMI's and ICO's proposals and associated comments to divide the remaining one-third of the 2 GHz MSS spectrum between them. Under this option, we would modify TMI's and ICO's spectrum reservations pursuant to a procedure consistent with Section 316 of the

¹ The spectrum designated for 2 GHz MSS is the 2000-2020 MHz and 2180-2200 MHz bands. Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems, *Third Report and Order, Third Notice of Proposed Rulemaking, and Second Memorandum Opinion and Order*, ET Docket No. 00-258, 18 FCC Rcd 2223 (2003) (*Third AWS Order*).

² Commission Invites Comments Concerning Use of Portions of returned 2 GHz Mobile Satellite Service Frequencies, *Public Notice*, FCC 05-133 (released June __, 2005) (*First 2 GHz MSS Public Notice*), citing Letter from Peter D. Shields, Counsel to Iridium, to Secretary, FCC (dated Mar. 16, 2005); Letter from Joseph P. Markoski and Bruce A. Olcott, Counsel for The Boeing Company, to Secretary, FCC (dated Mar. 28, 2005). Letter from David D. Otten, Chairman and Chief Executive Officer, Celsat, to Secretary, FCC (dated Apr. 12, 2005).

³ Letter from Gregory C. Staple, Counsel for TMI, to Donald Abelson, Chief, International Bureau (dated Apr. 19, 2005); Letter from Suzanne Hutchings Malloy, Senior Regulatory Counsel for ICO, to Donald Abelson, Chief, International Bureau (dated May 3, 2005); Letter from Diane Cornell, CTIA, to Secretary, FCC (dated May 19, 2005); Letter from Gregory C. Staple, Counsel for TMI, to Secretary, FCC (dated May 24, 2005); Letter from Diane Cornell, CTIA, to Secretary, FCC (dated June 1, 2005); Letter from William T. Lake, Counsel to GlobalStar, LLC, to Secretary, FCC (dated June 20, 2005).

Communications Act.⁴ We also ask commenters to address a second option, *i.e.*, whether the remaining one-third should be made available to new MSS licensees. Under this option, we would issue a public *notice establishing a processing round*. As a third option, the Commission invites comment on whether any of the remaining one-third of the spectrum should be made available for reallocation for another service, and if so, which specific frequency bands should be reallocated. Under this third option, the Commission would issue a Notice of Proposed Rulemaking inviting comment on such a reallocation.

Comments are due **30 days** after this public notice is released, and replies are due **15 days** after comments are due.

Ex Parte Presentations. This is a permit-but-disclose proceeding. *Ex parte* presentations are permitted, provided they are disclosed as provided in Sections 1.1202, 1.1203, and 1.1206(a) of the Commission's Rules, 47 C.F.R. Sections 1.1202, 1.1203, and 1.1206(a).

Comments. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁵ Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of the proceeding, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number, in this case, **IB Docket No. 05-221**. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). **Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

- The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI),

⁴ 47 U.S.C. § 316. We discussed this procedure in detail in the *First 2 GHz MSS Public Notice*.

⁵ See Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97-113, 13 FCC Red 11322 (1998).

Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in IB Docket No. **05-221** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

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